



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2150
Falls Church, Virginia 22041

March 20, 2019

Via U.S. Mail

Matthew Hoppock
MuckRock News
DEPT MR 68862
411A Highland Ave.
Somerville, MA 02144-2516

Re: FOIA 2019-21451

Dear Mr. Hoppock:

This letter is in response to your Freedom of Information Act (FOIA) request to the Executive Office for Immigration Review (EOIR) dated February 20, 2019 in which you seek the following:

1. A screenshot of the performance dashboard for each Immigration Judge as of [February 20, 2019]
2. Records reflecting the number of cases completed per immigration judge as of October 1, 2018

With respect to paragraph 1, upon review of our records, it has been determined that you filed two previous FOIA requests, 2018-46881 and 2019-01000, for the same records. As you will recall, with respect to 2018-46881, we provided a response to you on September 7, 2018 and a supplemental response to you on November 9, 2018. You will also recall that you appealed our November 9, 2018 supplemental response with the Department of Justice, Office of Information Policy, who assigned your appeal control number DOJ-AP-2019-002237. As you are aware, that appeal is currently pending. With respect to 2019-01000, you will also recall that we provided a response to you on November 9, 2018. Therefore, paragraph 1 of the above-referenced FOIA request is being closed as a duplicate request.

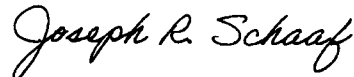
With respect to paragraph 2, records reflecting the information that you request are being withheld in their entirety under Exemption 5, 5 U.S.C. 552(b)(6), to avoid an unwarranted invasion of personal privacy and under Exemption 5, 5 U.S.C. § 552(b)(5), because the information therein is deliberative in nature. Consistent with our obligation to segregate exempt information from non-exempt information, we conducted a line-by-line review of the records withheld under the deliberative process privilege. We determined that there is no releasable information. *See Mead Data Cent., Inc. v. U.S. Dept. of the Air Force*, 566 F.2d 242 (D.C. Cir. 1977). In that regard, these records are withheld in their entirety.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. *See* <http://www.justice.gov/oip/foiapost/2012foiapost9.html>.

You may contact our FOIA Public Liaison at the telephone number (703) 605-1297 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site <https://www.foiaonline.gov/foiaonline/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Sincerely,



J.R. Schaaf
Chief Counsel for Administrative Law